

111TH CONGRESS  
2D SESSION

# H. R. 6024

To amend the Federal Meat Inspection Act to develop an effective sampling and testing program to test for E. coli in boneless beef manufacturing trimmings and other raw ground beef components, and for other purposes.

---

## IN THE HOUSE OF REPRESENTATIVES

JULY 30, 2010

Ms. DELAURO (for herself, Ms. SCHAKOWSKY, Mr. McDERMOTT, Mrs. LOWEY, Mr. GRIJALVA, Ms. LEE of California, Mr. MEEKS of New York, and Ms. RICHARDSON) introduced the following bill; which was referred to the Committee on Agriculture

---

## A BILL

To amend the Federal Meat Inspection Act to develop an effective sampling and testing program to test for E. coli in boneless beef manufacturing trimmings and other raw ground beef components, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “E. coli Traceability  
5 and Eradication Act”.

1 **SEC. 2. SHIGA TOXIN-PRODUCING E. COLI ERADICATION IN**  
2 **GROUND BEEF.**

3 (a) AMENDMENT.—Title I of the Federal Meat In-  
4 spection Act (21 U.S.C. 601 et seq.) is amended by adding  
5 at the end the following:

6 **“SEC. 26. SHIGA TOXIN-PRODUCING E. COLI ERADICATION**  
7 **IN GROUND BEEF.**

8 “(a) IN GENERAL.—The Secretary of Agriculture  
9 shall require that slaughterhouses, processing establish-  
10 ments, and grinding facilities described in subsection (b)  
11 test for and report on the presence of Shiga toxin-pro-  
12 ducing E. coli at the following points:

13 “(1) One test at the slaughterhouse or proc-  
14 essing establishment at which source trim was pro-  
15 duced and 1 test of the source trim or bench trim  
16 at the receiving facility prior to combining with  
17 other lots from different sources.

18 “(2) If the source trim and grinding occurs at  
19 the same facility, 1 test of the source trim and 1  
20 test of the final ground product.

21 “(b) ADMINISTRATION.—To carry out this section,  
22 the Secretary shall—

23 “(1) publish peer-reviewed, science-based re-  
24 quirements for sampling protocols that establish, for  
25 each product type—

26 “(A) lot size limitations;

1           “(B) sample size and the methodology  
2           used to calculate the sample size;

3           “(C) sample number;

4           “(D) the expected power of the sample;

5           “(E) in-field and laboratory sampling col-  
6           lection methods; and

7           “(F) a standard for validating laboratory  
8           test methods;

9           “(2) at least every two years, publish a peer re-  
10          view of the sampling protocols referred to in para-  
11          graph (1) and any necessary revisions of such proto-  
12          cols;

13          “(3) approve establishment sampling protocols  
14          consistent with the sampling protocols referred to in  
15          paragraph (1); and

16          “(4) in the case of a positive sample that indi-  
17          cates the presence of Shiga toxin-producing *E. coli*  
18          in a lot of an establishment—

19                 “(A) conduct an investigation sufficient to  
20                 identify the original source of contamination  
21                 using sampling protocols that include—

22                         “(i) collecting documentary evidence;  
23                         and

24                         “(ii) collecting and analyzing a suffi-  
25                         cient number of meat samples from the

1 source lots, as identified by the collection  
2 of documentary evidence conducted under  
3 clause (i), to determine the presence or ab-  
4 sence of the pathogen in the source lots  
5 and the identity of the establishment that  
6 was the original source of contamination at  
7 locations that may include—

8 “(I) the establishment that tested  
9 the meat from the original product  
10 lots;

11 “(II) an intermediary processor  
12 or warehouse holding meat from the  
13 same original product lots;

14 “(III) the establishment that pro-  
15 duced the original product lots; or

16 “(IV) a Federally inspected or  
17 retail establishment that received part  
18 of the original product lots;

19 “(B) verify that meat or meat food prod-  
20 ucts contaminated with Shiga toxin-producing  
21 E. coli, and the entire lot that is represented by  
22 the sample, are disposed of or treated to eradi-  
23 cate Shiga toxin-producing E. coli (in accord-  
24 ance with guidelines of the Secretary) before  
25 entry into commerce; and

1           “(C) promulgate regulations that require  
2           that the slaughterhouse or processing establish-  
3           ment takes corrective action and takes meas-  
4           ures to prevent reoccurrence.

5           “(c) TESTING.—

6           “(1) IN GENERAL.—A slaughterhouse or proc-  
7           essing establishment producing or a grinding facility  
8           receiving trimmings shall test each lot using sam-  
9           pling standards and procedures determined by the  
10          Secretary.

11          “(2) TESTING FACILITIES.—

12           “(A) IN GENERAL.—An establishment  
13           shall use an independent testing facility accred-  
14           ited by the Secretary that uses methods that  
15           are at least equivalent in specificity and sensi-  
16           tivity to the methods used by the Secretary to  
17           test beef trimmings.

18           “(B) ADMINISTRATION.—In using an inde-  
19           pendent testing facility under subparagraph  
20           (A), the establishment—

21           “(i) shall contract with the facility on  
22           an annual basis; and

23           “(ii) shall not terminate the contract  
24           on the basis of positive test results re-  
25           ported by the facility.

1           “(3) PROFICIENCY TESTING SERVICE.—A lab-  
2           oratory that tests beef for Shiga toxin-producing E.  
3           coli shall contract with a testing service to verify the  
4           proficiency of the laboratory.

5           “(4) TRANSMISSION OF TESTING RESULTS.—

6           “(A) IN GENERAL.—Test results of any  
7           testing conducted under this subsection shall be  
8           delivered, not later than 24 hours after such re-  
9           sults are obtained, to a specific individual des-  
10          ignated by each slaughterhouse, processing es-  
11          tablishment, or grinding facility.

12          “(B) TRANSMISSION TO SECRETARY.—The  
13          slaughterhouse, processing establishment, or  
14          grinding facility shall report any positive or pre-  
15          sumptive positive results directly to the Sec-  
16          retary through electronic means not later than  
17          24 hours after receipt of results from a testing  
18          facility.

19          “(5) HABITUAL VIOLATORS.—A slaughterhouse  
20          or processing establishment that produces or distrib-  
21          utes trim that receives positive results that exceed  
22          the maximum allowable percentage of positive re-  
23         >sults for 3 consecutive days or more than 10 in-  
24          stances per year shall be listed on the public website  
25          of the Secretary as a habitual violator.

1           “(6) COMPLIANCE.—The Secretary shall take  
2           necessary regulatory action with respect to an estab-  
3           lishment that fails to test, notify the Secretary of  
4           positive results, or otherwise comply with this sub-  
5           section.

6           “(d) IMPORTED GROUND BEEF.—

7           “(1) IN GENERAL.—Any trim, bench trim, and  
8           ground beef originating from outside the United  
9           States shall be subject to the same requirements as  
10          apply to domestic trim, bench trim, and ground beef  
11          under this section.

12          “(2) VERIFICATION.—

13               “(A) IN GENERAL.—To be eligible for im-  
14               portation into the United States, a foreign facil-  
15               ity shall provide a certification of compliance  
16               with paragraph (1) to a domestic slaughter-  
17               house, processing establishment, or grinding fa-  
18               cility.

19               “(B) SECONDARY TESTING.—The domestic  
20               slaughterhouse, processing establishment, or  
21               grinding facility shall verify the results of the  
22               certification by conducting secondary testing of  
23               the trim, bench trim, or ground beef before  
24               processing into a final ground beef product.”.

1 (b) APPLICATION.—Section 26 of the Federal Meat  
2 Inspection Act, as amended by subsection (a), shall  
3 apply—

4 (1) effective 180 days after the date of the en-  
5 actment of this section, to—

6 (A) all slaughterhouses and processing es-  
7 tablishments that produce more than 25,000  
8 pounds of trim per day; and

9 (B) grinding facilities that grind more  
10 than 25,000 pounds of trim or bench trim per  
11 day;

12 (2) effective December 1, 2011, to—

13 (A) all slaughterhouses and processing es-  
14 tablishments that produce more than 5,000 but  
15 not more than 25,000 pounds of trim per day;  
16 and

17 (B) grinding facilities that grind more  
18 than 5,000 but not more than 25,000 pounds  
19 of trim or bench trim per day;

20 (3) effective December 1, 2012, to—

21 (A) all slaughterhouses and processing es-  
22 tablishments that produce more than 1,000 but  
23 not more than 5,000 pounds of trim per day;  
24 and



1 (B) grinding facilities that grind more  
2 than 1,000 but not more than 5,000 pounds of  
3 trim or bench trim per day; and

4 (4) effective December 1, 2013, to all slaugh-  
5 terhouses, processing establishments, and grinding  
6 facilities that produce or grind trim or bench trim.

7 (c) GRANTS.—

8 (1) IN GENERAL.—The Secretary of Agriculture  
9 shall award grants to assist slaughterhouses, proc-  
10 essing establishments, and grinding facilities in com-  
11 plying with section 26 of the Federal Meat Inspec-  
12 tion Act, as amended by subsection (a).

13 (2) ELIGIBLE ENTITIES.—Grants awarded  
14 under this subsection are limited to—

15 (A) slaughterhouses and processing estab-  
16 lishments that produce not more than 1,000  
17 pounds of trim per day; and

18 (B) grinding facilities that grind not more  
19 than 1,000 pounds of trim or bench trim per  
20 day.

21 (3) GRANT FUNDING.—

22 (A) AMOUNT.—The amount of each grant  
23 awarded under this subsection shall not exceed  
24 \$10,000.

1 (B) PRIORITY.—The Secretary shall award  
2 grants under this section on a first-come, first-  
3 served basis.

4 (4) TERMINATION.—The grant program estab-  
5 lished under this section shall terminate on Decem-  
6 ber 1, 2013.

7 **SEC. 3. PROTECTION AGAINST ADULTERATED AND CON-**  
8 **TAMINATED MEAT OR MEAT FOOD PROD-**  
9 **UCTS.**

10 (a) FINDINGS.—Congress finds that it is essential  
11 and in the public interest that—

12 (1) the health and welfare of consumers be pro-  
13 tected by ensuring that meat and meat food prod-  
14 ucts distributed to consumers are wholesome and not  
15 adulterated or contaminated; and

16 (2) Federal meat inspection programs identify  
17 all sources, including the slaughterhouse source, of  
18 original adulteration and contamination of enteric  
19 foodborne pathogens in meat in any case in which—

20 (A) lab samples test positive for enteric  
21 pathogen adulteration or contamination; or

22 (B) adulterated or contaminated meat is  
23 found in commerce, including foodborne out-  
24 breaks.

1 (b) DEFINITIONS.—Section 1 of the Federal Meat In-  
 2 spection Act (21 U.S.C. 601) is amended by adding at  
 3 the end the following:

4 “(x) ENTERIC FOODBORNE PATHOGEN.—The term  
 5 ‘enteric foodborne pathogen’ means live bacteriological  
 6 matter that is commonly present in the digestive systems  
 7 of animals for slaughter, including Shiga toxin-producing  
 8 E. coli and salmonella, the presence of which in meat food  
 9 products may indicate unsanitary conditions at the point  
 10 of slaughter.

11 “(y) ESTABLISHMENT.—The term ‘establishment’  
 12 means any person, firm, meat broker, renderer, or animal  
 13 food manufacturer.”.

14 (c) PROTECTION AGAINST ADULTERATED AND CON-  
 15 TAMINATED MEAT OR MEAT FOOD PRODUCTS.—Section  
 16 8 of the Federal Meat Inspection Act (21 U.S.C. 608) is  
 17 amended—

18 (1) by striking “SEC. 8. The Secretary” and in-  
 19 serting the following:

20 **“SEC. 8. PROTECTION AGAINST ADULTERATED AND CON-**  
 21 **TAMINATED MEAT OR MEAT FOOD PROD-**  
 22 **UCTS.**

23 “(a) IN GENERAL.—The Secretary”;

24 (2) by inserting “or contaminated” after “adul-  
 25 terated”; and

1 (3) by adding at the end the following:

2 “(b) SAMPLING PROTOCOLS.—

3 “(1) IN GENERAL.—In carrying out this Act,  
4 the Secretary shall implement sampling protocols  
5 using methods and technologies to enable personnel  
6 of the Food Safety and Inspection Service to rapidly  
7 trace potential adulteration and contamination of  
8 meat and meat food products by enteric foodborne  
9 pathogens to possible preceding sources of the adul-  
10 teration and contamination, including preparation,  
11 packaging, and slaughtering establishments, to de-  
12 termine the original site source of the adulteration  
13 or contamination.

14 “(2) REQUIREMENTS.—

15 “(A) IN GENERAL.—The sampling proto-  
16 cols referred to in paragraph (1) shall enable  
17 rapid tracing to the source of contamination,  
18 through the—

19 “(i) collection of documentary evi-  
20 dence; and

21 “(ii) collection and analyses of a suffi-  
22 cient number of meat samples from the  
23 source lots, as identified by collection of  
24 documentary evidence conducted under  
25 clause (i), to determine the presence or ab-

1           sence of the pathogen in the source lots  
2           and the identity of the establishment that  
3           was the original source of contamination at  
4           locations that may include——

5                   “(I) the establishment that tested  
6                   the meat from the original product  
7                   lot;

8                   “(II) an intermediary processor  
9                   or warehouse holding meat from the  
10                  same original product lot;

11                  “(III) the establishment that pro-  
12                  duced the original product lot; or

13                  “(IV) a Federally inspected or  
14                  retail establishment that received part  
15                  of the original product lot.

16                  “(B) TIMING.—The collection of documen-  
17                  tary and other relevant material to enable rapid  
18                  tracing under subparagraph (A) shall occur at  
19                  the time that samples of the relevant meat or  
20                  meat food product are collected.

21                  “(C) CERTIFICATION.—The onsite inspec-  
22                  tor and a responsible establishment representa-  
23                  tive shall certify that the documentary and  
24                  other tracing material collected under subpara-  
25                  graph (A) is complete and accurate.

1           “(3) TRACING OF ADULTERATED AND CON-  
2           TAMINATED MEAT AND MEAT FOOD PRODUCTS.—If  
3           a meat or meat food product sample tests positive  
4           or is indicated to test positive for adulteration or  
5           contamination by enteric foodborne pathogens, the  
6           Secretary shall immediately conduct a trace—

7                   “(A) to identify all sites of adulteration  
8                   and contamination, including preparation, pack-  
9                   aging, and slaughtering establishments; and

10                   “(B) to identify the original source of  
11                   adulteration or contamination.

12           “(4) SUBSEQUENT SAMPLING.—If a raw  
13           ground meat sample tests positive or is indicated to  
14           test positive for adulteration or contamination by en-  
15           teric foodborne pathogens at a preparation, pack-  
16           aging, or slaughtering establishment, the Secretary  
17           shall require subsequent sampling at the establish-  
18           ment, and any establishments supplying that estab-  
19           lishment, each day for a minimum of 15 consecutive  
20           days after the date on which the adulterated or con-  
21           taminated sample is collected.”.

○